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A JOURNAL OF WESTERN OKLAHOMA

WESTVIEW

Volume 25
Issue 2 *Fall/Winter*

Article 7

11-15-2006

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Recommended Citation

Fellinger, Richard (2006) "The Cousin Couple," *Westview*: Vol. 25 : Iss. 2 , Article 7.
Available at: https://dc.swosu.edu/westview/vol25/iss2/7

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The Cousin Couple

by Richard Fellinger

I'm good at remembering jokes; not names and faces, but apparently I have a special file in my brain that saves jokes. So when Benjamin Hemlock came to my law office and told me his latest problem, it brought to mind a redneck joke I once heard on cable TV. The comic was a skinny guy with a shaggy mustache who makes a nice living with redneck humor. I can't remember the guy's name, but the joke was this: "You know you're a redneck if you go to family reunions to meet women." That's what popped into my mind when Benjamin told me the county wouldn't let him marry his cousin.

This is Carlisle, Pennsylvania, a small college town surrounded by farms and highways. Dickinson College and Penn State's law school are here, as is the county courthouse, but the town may be best known as "the trucking capital of the world." Benjamin drives a big rig, and he came to me three years ago about his DUI charge. I got him into a probationary program for first offenders, and he kept his commercial license. It was no big deal, really, because I usually get first offenders into the program if they plea. How did I remember his case? I looked up his file when he called to set up an appointment to see me again.

It was almost lunchtime on a Friday in January, and I couldn't decide between a ham sandwich and pastrami. I remember food just as well as jokes. Benjamin came in and he looked like his old self. He's a tall guy with knees that buckle when he walks. He has droopy eyes and a scruffy face and crooked sideburns.

"What's up, Ben?" I said, holding out a hand for him to shake.

"It's Benjamin," he said, and he shook my hand listlessly.

"Right," I said. "Benjamin." I motioned to the chair in front of my desk and said, "Have a seat and tell me what's up."

Her name is Helen Hemlock, and she and Benjamin didn't know each other well when they were kids. Their dads were brothers who didn't like each other. They hooked up about eight years ago after sitting next to each other at the wedding reception for Benjamin's sister. He didn't say where it was, but I pictured them munching Swedish meatballs together at the local firehouse. They didn't start dating right away, but started playing pinochle together and eventually acted on "the signals" they were sending each other. That's how Benjamin put it—signals. Now they say they're in love and want a June wedding of their own. They live together on the northern edge of the county, just south of where the Tuscarora Trail comes out of the mountains. For the wedding, they're eying a nice bed-and-breakfast just outside of Gettysburg, but they haven't booked it yet.

When they went to the courthouse for the marriage license, the clerk gave them a funny look after noticing their last names were the same. Imagine, getting funny looks when you're aiming to marry your cousin! The clerk asked if they were already related, and they immediately confessed. The clerk disappeared into a back room and came out with a supervisor, who explained the Pennsylvania law prohibiting first cousins from marrying. The supervisor also mentioned something about birth defects, but Benjamin and Helen insisted they weren't going to have kids. The supervisor said that it doesn't matter, the law is the law. Benjamin wants me to file a suit asking for an exception to the law if they promise not to have kids. Helen is 45 and Benjamin is 42.

"Are you sure you want to do this?" I asked him.

"Oh, yeah," he said. "Helen looked it all up. Lotsa states let cousins marry, like Virginia. She looked it all up on the Internet."

"How long have you, uh, lived together?"

"'Bout five years."

"I can't tell you that your chances of winning are good. I do some family law, and maybe I can file something like that, but I don't know what our chances would be."

"I see."

"Are you sure you want to do this?"

"Sure as sure can be."

"It will cost you around three thousand dollars to file a suit like that in Common Pleas Court. And that's just if we win. An appeal would cost you much more."

I could see the wheels turning in his mind before he spoke.

"We can do three thousand dollars," he said. When he finally said it, he spoke with conviction, and I sensed a stubborn streak.

"Are you sure you want to do this?" I asked again. "A case like this would probably end up in the news. Why don't you let me do some research before we go through with this."

"We'd really like your help," he said. "I really appreciated your help when I got arrested, 'cause it saved my job. But we're gonna file this no matter what. Helen found out that you don't need a lawyer if you don't want one, but I told her I wanted to talk to you first."

I wondered what a case like this would do for my career. Media attention is normally a good thing for attorneys (as long as they spell your name right, we like to say). But is it good to be linked to a couple of crackpot cousins who want to marry? Would I become the local legal laughingstock? I could refer them to another lawyer—a family law specialist in Harrisburg—but I knew that would cost them a lot more than $3,000. And from looking at Benjamin, I figured that was probably more than they had to spend on a lost cause. So with Benjamin and Helen apparently dead set on this, I wondered if they should have help. My heart doesn't usually bleed for folks, but from what I knew about Benjamin—a truck-driving, DUI convict who wouldn't recognize a razor and wants to marry his own damn cousin—I figured he only has about one ounce of dignity left in that big, lanky body of his. Maybe someone should keep him from embarrassing himself, help him save that single ounce. That's what I thought.

"Okay," I said cautiously. "Why don't we set something up for next week? I want to do some research. No guarantees, but we can talk again next week. Does that sound good? Maybe you could bring Helen with you, and we'll talk some more."

The wheels turned. "That sounds fine," he said.

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I'm not married. I'm 36 and I've always dated a lot, but my friends tell me that my standards are too high. They say I should put less emphasis on looks and find a girl with personality. The closest I came to getting married was my last year of law school, when I moved in with a girl named Gina for a couple months. We sometimes talked dreamily about getting married, but only after having too many drinks. We were in law school here in Carlisle, and she was a year behind me, but she dropped out and tried to coax me into moving to California with her. I realized I was getting stuck with the rent, which led to a big fight, and it all ended when Gina threw my wallet in the toilet and wished me luck with the bills.

Right now I'm trying to figure out my relationship with a gorgeous paralegal from Harrisburg. Her name is Erin, and she's tall and leggy, but I'm not sure she's the type to settle down either. This is our second try at it. The first time, she broke it off because she couldn't give up on an old relationship with the local TV weather guy. She went back to him, then came back to me. Maybe I shouldn't expect much from a girl who likes TV weather guys.

Anyway, I found only a little case history on cousins who wanted to marry, though I didn't waste much time digging around for it either. The law basically prohibits blood relatives from mar-

rying, and a couple old rulings interpreted first cousins as blood relatives. The most recent case was filed two years ago in Blair County, about 100 miles away. A pair of middle-aged cousins there wanted to marry, but they lost. Bad news. But in one of those old cases, I found an opinion where a Superior Court justice harped on the need to prevent cousins from having children with birth defects. Considering Benjamin and Helen were promising not to reproduce—and thank God for that, at least—maybe I could hang a case on that old ruling and argue that the law shouldn't apply to them. It stood a snowball's chance in hell, but that's all I could come up with. I knew I had to talk them out of this.

I also did my own online research, and I learned that Benjamin was right about Virginia allowing first cousins to marry. About half the states allow it, and Maryland was the closest, but there was a movement in the Maryland legislature to put a stop to it. I'm guessing any Maryland lawmakers who want to end cousin marriages don't have to fret about getting reelected.

I also learned there's a national movement out there for the acceptance of cousin marriages. They have websites where they tell each other their problems and commiserate. They give each other tips on things like breaking the news to family and tying the knot. They call themselves "cousin couples." They apparently say it with a straight face.

The cousin couple came to my office the next Friday, after I'd polished off a cheesesteak with onions. I had imagined that Benjamin and Helen would look alike, but they didn't. One of them apparently had gotten Mom's genes. Helen is a big-boned woman with hands like baseball mitts. She isn't fat—just thick. She has a piggish nose and beady eyes that shoot out of her face like laser beams. She is one intense-looking woman.

"Onions!" Helen said, sniffing around my office when she came in. "Somebody's meal is still in the air."

"My lunch," I said. "I often eat at my desk. We could go somewhere else. I have a conference room right—"

"Oh, no," she said. "I like the smell of food in a room. Makes it homey."

"Unless it's fish," Benjamin said.

"I suppose you're right," I said, smiling. "Okay then, why don't you two have a seat. I've been doing some research."

Helen sat on the edge of her chair and leaned forward. I leaned back in my chair, trying to put some space between us. She made a sweeping motion with her right arm—as if she were starting her own engine—and slapped the side of her knee with her hand.

"Couples like us are quite misunderstood," she said. "Did you know that laws against cousin marriages don't exist in Europe or Canada? Not in Mexico either. Did you? Huh? Did you know that the first prime minister of Canada married his first cousin? Did you know that Mary and Joseph were probably first cousins? Did you? Huh?"

"Interesting," I said. "But—"

"It is very interesting," she said. "Did you know that almost half the states allow cousin marriages? Did you? Did you know that state laws against cousin marriages predate genetic science, and that cousin couples have a lower rate of miscarriages? Did you? Huh? Not that we want children. We don't, and we can promise a judge that. I'm past that point in life, sad as it is."

"She's done all the research," Benjamin said.

I thought about the joke where the guy tells his wife that women talk twice as much as men. The wife says, "Of course, because we have to repeat everything we say to you." And the guy says, "What's that?"

"What we want," Helen said, "is to have our bond recognized just like any other. And we want it recognized here in our home state. We've talked about driving to Maryland or Virginia to be wed, but that's a thorny issue. We don't want to live somewhere that won't properly recognize our bond, and we don't want some overzealous

district attorney prosecuting us when we come home. We've heard about that happening to other cousin couples."

So they were already calling it "a bond." I was beginning to realize there was no chance of talking them out of this. I couldn't even think of how to start trying.

"And another thing," Helen said, "we really don't want to move. We cherish our home. We grew up near here, and we have a big property here. Benjamin loves to hit golf balls into the woods from the backyard. I collect porcelain cows, and there is such a great market for that around here. It's just so perfect for us here, except for that one law."

"I understand," I said. I paused just to be sure I could get a word in, and I took in the image of Benjamin knocking golf balls into the woods, which struck me as odd. I had imagined him as the type to knock off groundhogs with a shotgun. Helen leaned back in her chair, apparently giving me clearance to speak. "Actually," I said, "I did know some of what you mentioned."

"Good," she said, slapping her knee.

"But here in Pennsylvania," I said, "the law is pretty clear. I've done some research, and I can't say this is a strong case. A case like this was rejected recently in another county. There is still an angle or two we can pursue, but I want to tell you up front that they're not strong."

Benjamin and Helen looked at each other and seemed to be reading each other's eyes. They turned their eyes back toward me, and Helen said, "Go on."

I should have said no to Benjamin at the very beginning—an unequivocal no, the kind that sends a guy out the door with his tail between his legs. But I didn't, and that was my fault.

Instead I hemmed and hawed. I led them along. Now they were looking at me, wondering what I would do to get them legally married right here at home. It was my bed; I'd made it, and now it was time for me to sleep in it.

"Can I ask how your relatives feel about this?" I asked. "I'm just curious."

"It's been hell to pay," Benjamin said. "My folks stopped talking to us, so did my sister, but my brother seems okay with it. Her dad passed on, and we haven't told her mom yet 'cause we don't think she'll take it well."

"That's always a difficult issue for cousin couples," Helen said. "We're hoping everyone will come to understand. Sometimes a person's mind can be slow to open."

I suppose I had an open mind—if nothing else—because I explained my strategy for their suit against the county. They gave me the go-ahead, and we made the arrangements to file it. It took a few days, but the courthouse reporter for the local paper eventually found the case, and it was the lead story that day. My name, spelled correctly, appeared only once near the end of the story. The reporter never called me for an interview, apparently satisfied with the lengthy interview she got when she called Helen Hemlock.

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It was a warm, sunny day when Benjamin and Helen went to court. It was mid-March but felt like mid-May. Judge Bonnie Moser had the case, which would have been an advantage for me in any other case. Judge Bonnie was a small woman with a thin mustache that you could only see up close. She always kept a straight face and rarely telegraphed her thoughts. You had to listen closely to her rulings and instructions to gauge how she was leaning in a case, and until now, she had always given me leeway.

Glenn Grove, the county solicitor, had filed a motion to dismiss the suit, and that's what the hearing was about. I knew Glenn from around the courthouse, and I thought he was a nice enough guy. He was the type for three-martini lunches, and he always wore a bow tie and had impeccable hair. I saw him on my way into the courthouse.

"Why is money green?" Glenn said with a wink.

"I've heard that one before," I said. "It's be-

cause lawyers pick it before it's ripe. Good one, Glenn, but this isn't about their money. He's an old client."

"Sure," he said. His tone was patronizing, and I could tell he didn't buy it.

I met Benjamin and Helen on a bench outside the courtroom, and we reviewed our strategy for the hearing. I would call them both as witnesses. They should look the judge in the eye when they spoke, obey her instructions, and not argue with her. And try to relax.

The hearing took up most of the morning, though it moved along at a nice pace. Glenn called only one witness, the supervisor of the county Marriage License Bureau. He was a nervous man who carefully explained the law and bureau practices. The only other person in the courtroom was the local newspaper reporter, a girl who looked like a college kid but must have been in her mid-20s.

Judge Bonnie rarely interrupted the witnesses to ask questions, and only once did Glenn object to anyone's testimony. Helen was on the stand, and Glenn claimed she was making a speech instead of answering my question about the day they were denied a license.

"I can assure you," Helen was saying, "that we love each other in the purest sense."

Judge Bonnie sustained Glenn's objection. And when it was over, she dismissed the case.

"The law is clear," Judge Bonnie said. She looked at me and said, "You cite an opinion that seeks to explain the rationale for the law, but that may only be part of the rationale. Moreover, any exceptions to the law must be spelled out in the law itself, and the law allows for no exceptions. The defendant's motion for dismissal is granted."

Benjamin bowed his head, and Helen stared straight ahead, running her tongue across her lips. They didn't say a word at first. Soon Benjamin lifted his head and stood up slowly. He put his hand on Helen's shoulder and squeezed gently. "Let's go," he said. "We tried."

"I'm sorry," I said, and I led them out of the courtroom.

In the hallway, the newspaper reporter approached us. Helen said she didn't feel like talking, and Benjamin shook his head no. I took the reporter aside, and she asked me how they felt about the ruling and whether they would appeal.

"All I can tell you is that this is something they really believed in," I said.

I huddled with Benjamin and Helen before they left, and they told me they didn't want to appeal. They didn't see any point to it and wanted to get on with their lives.

"What are you going to do next?" I asked.

"We've been preparing for an outcome like this," Helen said. "We want to be somewhere we're accepted, at least in the eyes of the law."

"Will you move?"

"We still have some thinking to do," Benjamin said.

I nodded and told them to call me if they needed anything, especially if they changed their mind about the appeal. They left the courthouse holding hands.

About a month later, just before the deadline for filing the appeal, I called their house, and the phone was disconnected. After work that day, I drove up to their house.

They had a small Cape Cod home about 20 minutes from town. It was along a flat stretch of road at the base of the mountain, and all the homes were at least 100 yards apart. There was a "For Sale" sign in the yard. It seemed like a well-kept yard that hadn't gotten a good raking since the winter. Red and yellow tulips were blooming amid some weeds in a pair of flower beds that lined the front of the house. It was getting dark, but the lights were out, and the house looked shuttered. I walked up on the little front porch and peeked through a window.

I could see an empty mantle above the fireplace, and I imagined Helen's porcelain cows lined up on it. I imagined Benjamin lumbering into the house after 12 hours on the road, cracking open

a can of beer and stretching out on a La-Z-Boy. I also imagined him out in the yard on a weekend afternoon, slapping golf balls into the trees while Helen filled the house with the smell of her cooking. She seemed like the meatloaf type, didn't she? Or maybe her tastes were more eclectic: I wouldn't be surprised to learn that she prepared a mean sushi.

People often ask me if I really believed Benjamin and Helen should have been allowed to marry, and I always say no. That's what people are interested in hearing about, and that's the only answer people can accept. But I was saddened that they were gone, and I tell people that, too.

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